



AGENDA
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 – Lower Level - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, AUGUST 2, 2006, 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBERS: Rami Talleh, Jennifer Villasenor, Ron Santos, Jeanie Cutler, Kathy Schooley

MINUTES: June 28, 2006
July 12, 2006

ORAL COMMUNICATION: Anyone wishing to speak on an item not on the agenda may do so. No action can be taken by the Zoning Administrator on items not on the agenda.

SCHEDULED ITEMS:

1. PETITION DOCUMENT: CONDITIONAL USE PERMIT NO. 2006-025 (PANDA PALACE ALCOHOL PERMIT)

APPLICANT: Frank Yang
REQUEST: To permit alcohol sales at a restaurant located within 300 ft. of a residential zoning district.
LOCATION: 16400 Pacific Coast Highway, #112 (East side of PCH, North of Admiralty)
PROJECT PLANNER: Jennifer Villasenor
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval

2. PETITION DOCUMENT: VARIANCE NO. 2006-007 (HUTCHINS DEVELOPMENT)

APPLICANT: D.F. Martin
REQUEST: To permit the construction of two, three-story, single-family homes with a 1'-10" side yard setback in lieu of the minimum required 3'-0" side yard setback.
LOCATION: 617 Frankfort Avenue (west side of Frankfort Avenue, east of Delaware Street)
PROJECT PLANNER: Rami Talleh
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval

AGENDA
(Continued)

- 3. PETITION DOCUMENT: VARIANCE NO. 2006-005 (LEE APARTMENTS)**
APPLICANT: Terri Breer, Esq
REQUEST: To permit a two space reduction in required parking in
 conjunction with the conversion of a recreation room into a
 one-bedroom dwelling unit at an existing 16-unit apartment
 complex.
LOCATION: 2202 Hess Circle (terminus of Hess Circle, north of Utica
 Avenue)
PROJECT PLANNER: Rami Talleh
STAFF RECOMMENDS: Continuance to August 23, 2006 at applicant's request.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jennifer Villasenor
DATE: August 2, 2006

SUBJECT: **CONDITIONAL USE PERMIT NO. 2006-025 (PANDA PALACE ALCOHOL PERMIT)**

LOCATION: 16400 Pacific Coast Highway Suite 112 (east side of Pacific Coast Highway, north of Admiralty Drive)

Applicant: Frank Yang, 16400 Pacific Coast Highway , Suite 112, Huntington Beach, CA 92649

Property Owner: Taki Sun, Inc. (Core PMI), 6621 Pacific Coast Highway #280, Long Beach, CA 90803

Request: To permit alcohol sales at a restaurant located within 300 ft. of a residential zoning district.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CV-CZ (Commercial Visitor – Coastal Zone Overlay)

General Plan: CV-F2-d (Commercial Visitor-0.50 F.A.R.-design overlay)

Existing Use: Retail

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the licensing of a commercial suite within an existing commercial center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO.2006-025

1. Conditional Use Permit No. 2006-025 for the establishment, maintenance and operation of alcohol sales at a restaurant located within 300 feet of a residential zoning district will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed restaurant with alcohol sales will not generate impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning designation. The proposed restaurant is adequately buffered from adjacent residential uses. In addition, the site provides the necessary parking to accommodate the proposed use.
2. The conditional use permit will be compatible with surrounding uses because it will permit alcohol sales at a restaurant located within an existing commercial center with adequate parking capacity. Additionally, the building is located on the site so that it is sufficiently buffered from adjacent residential uses to ensure no detrimental impact.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing commercial center which conforms to land use, setbacks, building height, and landscaping standards applicable to the Visitor Serving Commercial (CV) zoning designation.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Visitor Serving Commercial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources. (LU 10.1)
 - b. Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area. (ED 2.4.3)

The proposed request to allow alcohol sales at a restaurant will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-025:

1. The site plan, floor plans, and elevations received and dated June 1, 2006, shall be the conceptually approved design.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh
DATE: August 2, 2006

SUBJECT: **VARIANCE NO. 2006-007 (HUTCHINS DEVELOPMENT)**

LOCATION: 617 Frankfort Avenue (west side of Frankfort Avenue, east of Delaware Street)

Applicant: D.F. Martin, 5305 Fanwood Drive, Huntington Beach, CA 92649

Property Owner: Holly Hutchins, 617 Frankfort Ave., Huntington Beach, CA 92648

Request: To permit the construction of two, three-story, single-family homes with a 1'-10" side yard setback in lieu of the minimum required 3'-0" side yard setback.

Environmental Status: This request is covered by Categorical Exemption, Section 15301 & 15305, Class 1 & 5, California Environmental Quality Act.

Zone: RMH-A (Residential Medium High Density – Subdistrict A)

General Plan: RMH-25-d (Residential Medium High Density – 25 units per acre – Design Overlay.

Existing Use: Single-Family Home

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301&15305 of the CEQA Guidelines, because the project

involves construction of two single-family residences with minor alteration in land use limitations.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. :2006-007

1. The granting of Variance No. 2006-007 for the construction of two, three-story, single-family homes with two car garages having a 1'-10" side yard setback in lieu of the minimum required 3'-0" side yard setback will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The same circumstances that affect the subject site also affect the adjacent lots resulting in similar lot shapes. Other variances have been approved for similar requests on the adjacent lots, which have the same zoning classification.
2. Because of special circumstances applicable to the subject property, including shape and location the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject lot tapers approximately 11 ft. between the front and the rear property line resulting in a lot width of 21 ft. along the rear property line. Due to the tapered shape of the lot, the reduced rear yard width substantially limits the construction of a standard 19 ft. wide attached two-car garage with alley access, which is the only portion projecting into the side yard.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Due to the narrowness of the rear of the lot, the home would be required to be moved forward to accommodate the minimum side yard setbacks, which would result in a driveway depth of approximately 25 feet, and substantial reduction in the buildable area of the lot such that the size of the dwelling would be smaller relative to other surrounding homes.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. Minimum side yard setbacks will be maintained on one side allowing for emergency access into the rear yard. Adequate buffer or separation between habitable areas on the subject property and adjacent lots will be maintained. In addition the second story will comply the required 3 ft. side yard setback.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium High Density (RMH-25-d) on the subject property. In addition it is consistent with the following goals and policies of the General Plan:
 - a. LU4.2.4 Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.
 - b. LU 15.5 Ensure that development achieves the visual and physical character intended for the district in which it is located.

The granting of the variance will facilitate construction of the required two-car garage and provide an approximately 20 ft deep driveway for parking of vehicles. The structures are designed with high quality materials and enhanced design features. Each structure is designed a front façade that is different than the other to enhance the overall appearance of the street scene.

SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 2006-007

1. The site plan, floor plans, and elevations received and dated July 14, 2006, shall be the conceptually approved design with the following modifications:
 - a. The eaves of the third story facing the Frankfort Avenue shall not project within the required 25 foot setback.
 - b. The lot coverage percentage shall be provided on the title sheet.
 - c. The floor area ratio shall be provided on the title sheet.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

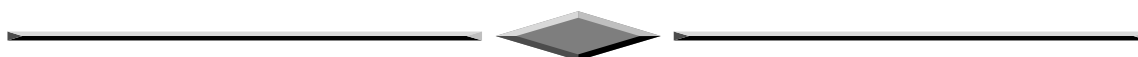
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh
DATE: August 2, 2006

SUBJECT: **VARIANCE NO. 2006-005 (LEE APARTMENTS)**

LOCATION: 2202 Hess Circle (terminus of Hess Circle, north of Utica Avenue)



Applicant: Terri Breer, Esq. 575 Anton Blvd., Ste 300, Costa Mesa, CA 92626

Property Owner: Jubilee Management Company, LLC, 7 Summerwind Court, Newport Beach, CA 92663

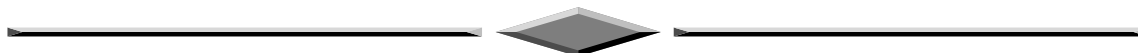
Request: To permit a two space reduction in required parking in conjunction with the conversion of a recreation room into a one-bedroom dwelling unit at an existing 16-unit apartment complex.

Environmental Status: This request is covered by Categorical Exemption, Section 15301 & 15305, Class 1 & 5, California Environmental Quality Act.

Zone: RM (Medium Density Residential)

General Plan: RM-15 (medium Density Residential – 15 units per acre)

Existing Use: 16 Unit Apartment Complex



RECOMMENDATION: Staff recommends continuance to August 23, 2006 at applicant's request.